

ESTTA Tracking number: **ESTTA681384**

Filing date: **07/01/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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|---------------------------------------|---|
| Name | Playboy Enterprises International, Inc. |
| Granted to Date of previous extension | 07/01/2015 |
| Address | P.O. Box 16373 Beverly Hills, CA 90209 UNITED STATES |
| Attorney information | Marcella Ballard P.O. BOX 34385 Washington, DC 20043 UNITED STATES nytmdocketing@venable.com, mballard@venable.com, ksruisi@venable.com Phone:212-503-0559 |

Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 86345458 | Publication date | 03/03/2015 |
| Opposition Filing Date | 07/01/2015 | Opposition Period Ends | 07/01/2015 |
| Applicant | Playmate Enterprise LLC 13300 County Road 1124 Tyler, TX 75709 UNITED STATES | | |

Goods/Services Affected by Opposition


Class 041. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Country clubs


Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3115166 | Application Date | 09/02/2004 |
| Registration Date | 07/11/2006 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |

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|---------------------|--|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 041. First use: First Use: 2005/10/12 First Use In Commerce: 2005/10/12 Entertainment services, namely providing adult programming via wireless services |


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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 86293667 | Application Date | 05/28/2014 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATES | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of the word "PLAYMATES" in stylized format with bunny ears connected to the letter "A". | | |
| Goods/Services | Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, video programming, production and distribution services; entertainment services, namely, providing ongoing television programs in the field of entertainment via a global computer network, cable television, satellite television, broadcast television, internet, video-on-demand, pay-per-view, broadband networks, wireless networks, mobile phones, fiber-optic networks, set-top boxes, and internet protocol television; providing on-line information in the field of entertainment; providing a website featuring entertainment information; entertainment services, namely, providing a web site featuring non-downloadable adult-themed photographs and videos | | |


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|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 2921658 | Application Date | 05/21/2003 |
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|---------------------|---|-----------------------|------|
| Registration Date | 01/25/2005 | Foreign Priority Date | NONE |
| Word Mark | PLAYBOY | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: First Use: 2003/05/31 First Use In Commerce: 2003/05/31 Golf equipment namely, divot repair tools, golf accessory pouches, golf clubs, head covers for golf clubs, golf putters, golf putter covers, golf bags, golf bag tags, golf balls, golf ball markers, golf tees, golf tee markers, golf flags, golf gloves | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 4649642 | Application Date | 09/16/2012 |
| Registration Date | 12/02/2014 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 2012/08/01 First Use In Commerce: 2012/08/01 Computer application software for mobile phones, portable media players, and handheld computers, namely, computer screensaver software, downloadable software for accessing, viewing, interacting with and downloading content and information from magazines and websites | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3406581 | Application Date | 11/11/2004 |
| Registration Date | 04/01/2008 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |

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| Design Mark |  |
| Description of Mark | |
| Goods/Services | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3951523 | Application Date | 07/15/2009 |
| Registration Date | 04/26/2011 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 034. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 Cigar lighters; lighters for smokers; lighters not of precious metal | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4019840 | Application Date | 12/05/2008 |
| Registration Date | 08/30/2011 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |

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| Design Mark | PLAYMATE |
| Description of Mark | NONE |
| Goods/Services | Class 014. First use: First Use: 1964/01/22 First Use In Commerce: 1964/01/22 Body jewelry; Bracelets; Brooches; Charms; Chokers; Earrings; Necklaces; Or- namental pins; Rings |


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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3388327 | Application Date | 06/26/2007 |
| Registration Date | 02/26/2008 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE OF THE YEAR | | |
| Design Mark | PLAYMATE OF THE YEAR | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 1960/06/30 First Use In Commerce: 1960/06/30 Magazine sections in the field of adultentertainment | | |

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|-----------------------|-----------------------|-----------------------|------------|
| U.S. Registration No. | 3388248 | Application Date | 06/21/2007 |
| Registration Date | 02/26/2008 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE OF THE MONTH | | |

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| Design Mark | PLAYMATE OF THE MONTH |
| Description of Mark | NONE |
| Goods/Services | Class 016. First use: First Use: 1954/01/31 First Use In Commerce: 1954/01/31 Magazine sections in the field of adultentertainment |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3225376 | Application Date | 08/22/2002 |
| Registration Date | 04/03/2007 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark | PLAYMATE | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1997/06/11 First Use In Commerce: 1997/06/11 Pre-recorded data storage media all featuring adult entertainment and images offemale models, namely, [computer discs, compact discs, CD-ROMs and] DVDs | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3225375 | Application Date | 08/22/2002 |
| Registration Date | 04/03/2007 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE OF THE YEAR | | |
| Design Mark | PLAYMATE OF THE YEAR | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1997/06/11 First Use In Commerce: 1997/06/11 Pre-recorded data storage media all featuring adult entertainment and images offemale models, namely, [computer discs, compact discs, CD-ROMs and] | | |

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| | DVDs | | |
| U.S. Registration No. | 2663899 | Application Date | 03/20/2000 |
| Registration Date | 12/17/2002 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 [Posters,] calendars[, temporary tattoos, stickers, decals, pens, paper coasters, paperweights, and trading cards] | | |
| U.S. Registration No. | 2191054 | Application Date | 10/06/1997 |
| Registration Date | 09/22/1998 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 042. First use: First Use: 1996/11/00 First Use In Commerce: 1996/11/00 Computer services, namely, providing anon-line service featuring adult-themed discussions, images of female models, and [news related to art, fashion, sports,and music] | | |
| U.S. Registration No. | 1691469 | Application Date | 03/05/1991 |
| Registration Date | 06/09/1992 | Foreign Priority Date | NONE |
| Word Mark | PLAYBOY'S PLAYMATE REVIEW | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 1986/05/27 First Use In Commerce: 1986/05/27 magazines featuring women | | |
| U.S. Registration No. | 1393915 | Application Date | 10/18/1985 |
| Registration Date | 05/20/1986 | Foreign Priority Date | NONE |

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|---------------------|---|
| Word Mark | PLAYMATE |
| Design Mark | PLAYMATE |
| Description of Mark | NONE |
| Goods/Services | Class 009. First use: First Use: 1982/09/06 First Use In Commerce: 1982/09/06 PRE-RECORDED VIDEO CASSETTES |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1462762 | Application Date | 09/10/1986 |
| Registration Date | 10/27/1987 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE OF THE YEAR | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 1960/06/01 First Use In Commerce: 1960/06/01 MAGAZINE ARTICLES FEATURING WOMEN WHO REPRESENT THE PHILOSOPHY OF THE PUBLICATION | | |


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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1308903 | Application Date | 02/06/1984 |
| Registration Date | 12/11/1984 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 1980/12/24 First Use In Commerce: 1980/12/24 Watches | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 777867 | Application Date | 02/26/1964 |
| Registration Date | 09/29/1964 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 1964/01/22 First Use In Commerce: 1964/01/22 Bracelets, Ankle Bracelets, Earrings, Bracelet and Earring Sets, Pins, Necklaces, Charms, Key Chains and Pendants | | |

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|-------------------|--------|------------------|------------|
| U.S. Registration | 721987 | Application Date | 11/05/1957 |
|-------------------|--------|------------------|------------|


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|---------------------|---|-----------------------|------|
| No. | | | |
| Registration Date | 09/26/1961 | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 1953/11/01 First Use In Commerce: 1957/09/16 Calendars | | |


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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 661391 | Application Date | 12/03/1956 |
| Registration Date | 05/06/1958 | Foreign Priority Date | NONE |
| Word Mark | PLAYBOY'S PLAYMATE OF THE MONTH | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 1953/12/15 First Use In Commerce: 1953/12/15 FEATURE IN THE MAGAZINE "PLAYBOY," PUBLISHED MONTHLY | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 86358780 | Application Date | 08/06/2014 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | THE PLAYBOY CLUB | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 0 First Use In Commerce: 0 nightclub services; night clubs; dance club services; casino facilities | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1733661 | Application Date | 01/23/1991 |
| Registration Date | 11/17/1992 | Foreign Priority Date | NONE |
| Word Mark | PLAYBOY'S | | |
| Design Mark | | | |
| Description of Mark | NONE | | |


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| Goods/Services | Class 041. First use: First Use: 1985/09/00 First Use In Commerce: 1985/09/00 entertainment services; namely, presentation of shows with musical and comedy revues featuring singing, dancing and other variety entertainment |
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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 86574085 | Application Date | 03/24/2015 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 0 First Use In Commerce: 0 Bracelets; Ankle Bracelets; Earrings; Bracelet and Earring Sets; Pins; Necklaces; Charms; Key Chains; and Pendants | | |

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| U.S. Application No. | 86656909 | Application Date | 06/09/2015 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 0 First Use In Commerce: 0 WATCHES | | |


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|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 86656898 | Application Date | 06/09/2015 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |


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| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 003. First use: First Use: 0 First Use In Commerce: 0 Perfumery, namely, perfumes, fragrances, eau de toilette, eau de cologne, essential oils for personal use; body care products, namely, soaps, deodorants, namely, personal deodorants and antiperspirants for personal use; body lotions, body creams, body mists, body wash; talcum powders; shampoos, bath gels, shower gels, bath oils, cosmetics |

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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 86656864 | Application Date | 06/09/2015 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 0 First Use In Commerce: 0 Tie tacks, cufflinks, tie bars, money clips | | |


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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 86293648 | Application Date | 05/28/2014 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATES | | |
| Design Mark |  | | |

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| Description of Mark | The mark consists of the word "PLAYMATES" in stylized format with bunny ears connected to the letter "A". |
| Goods/Services | Class 016. First use: First Use: 0 First Use In Commerce: 0 Magazines in the field of adult entertainment |

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| U.S. Application No. | 86293636 | Application Date | 05/28/2014 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATES | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of the word "PLAYMATES" in stylized format with bunny ears connected to the letter "A". | | |
| Goods/Services | Class 009. First use: First Use: 0 First Use In Commerce: 0 Downloadable electronic publications in the nature of magazines in the field of adult entertainment; downloadable ring tones, and graphics via a global computer network and wireless devices; downloadable video recordings featuring adult entertainment; video games for cellular phones, mobile devices, personal computers, and tablets; electronic game software; computer game programs; downloadable computer game programs; interactive game programs; interactive game software; downloadable software in the nature of mobile applications for accessing, viewing, interacting with and downloading content from electronic magazines and websites; dvds featuring adult entertainment | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 86086105 | Application Date | 10/08/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: First Use: 0 First Use In Commerce: 0 Chips for gambling; Game equipment, namely, chips; Poker chips | | |

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|----------------------|----------|------------------|------------|
| U.S. Application No. | 85407449 | Application Date | 08/25/2011 |
|----------------------|----------|------------------|------------|

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|---------------------|--|-----------------------|------|
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | PLAYMATE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 018. First use: First Use: 0 First Use In Commerce: 0 All-purpose carrying bags; Athletic bags; Backpacks; Beach bags; Business card cases; Change purses; Coin purses; Collars for pets; Cosmetic bags sold empty; Cosmetic cases sold empty; Credit card cases; Daypacks; Duffel bags; Evening handbags; Handbags; Key cases; Luggage; Luggage tags; Messenger bags; Pocketbooks; Purses; Shoulder bags; Textile shopping bags; Tote bags; Wallets; Waist packs; Wristlet bags; Toiletry cases sold empty; Overnight bags; Umbrellas; Beach umbrellas | | |

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| Related Proceedings | Opposition No. 91222620 |
|---------------------|-------------------------|

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| Attachments | 78478176#TMSN.png(bytes) 86293667#TMSN.png(bytes) 85730141#TMSN.png(bytes) 78515538#TMSN.png(bytes) 77782005#TMSN.png(bytes) 77627745#TMSN.png(bytes) 77215224#TMSN.png(bytes) 77211930#TMSN.png(bytes) 76442357#TMSN.png(bytes) 76442354#TMSN.png(bytes) 76005403#TMSN.png(bytes) 73563856#TMSN.png(bytes) 86358780#TMSN.png(bytes) 86574085#TMSN.png(bytes) 86656909#TMSN.png(bytes) 86656898#TMSN.png(bytes) 86656864#TMSN.png(bytes) 86293648#TMSN.png(bytes) 86293636#TMSN.png(bytes) 86086105#TMSN.png(bytes) 85407449#TMSN.png(bytes) Notice of Opposition - Playmate Enterprises word mark.pdf(133376 bytes) Exhibit 1.pdf(1429516 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|------------------|
| Signature | /mb/ |
| Name | Marcella Ballard |
| Date | 07/01/2015 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PLAYBOY ENTERPRISES
INTERNATIONAL, INC.,

Opposer,

vs.

PLAYMATE ENTERPRISE, LLC,

Applicant.

Opposition No.
Serial No. 86/345,458

NOTICE OF OPPOSITION

Playboy Enterprises International, Inc. (“PEII” or “Opposer”), a corporation duly organized and existing under the laws of the state of Delaware with a principal place of business located in Beverly Hills, California, believes that it is and will continue to be damaged by the registration of the trademark that is the subject of Application Serial No. 86/345,458, filed on behalf of applicant Playmate Enterprise, LLC (“Applicant”), and hereby opposes registration of the same.

As grounds for this opposition, it is alleged that:

1. PEII has been operating under the corporate name “Playboy Enterprises International, Inc.” since 1964.
2. Over the course of its existence, PEII and its predecessors in interest have owned over 100 United States trademark registrations using the word PLAYMATE. Presently, PEII owns 27 pending and registered U.S. trademarks using the word PLAYMATE, including the following (hereinafter, the “PLAYMATE Marks”):

| Reg. No. | Mark | Goods/services/class | Registration Date |
|-----------------|---------------------------|--|--------------------------|
| 4649642 | PLAYMATE | Computer application software for mobile phones, portable media players, and handheld computers, namely, computer screensaver software, downloadable software for accessing, viewing, interacting with and downloading content and information from magazines and websites (Cl. 9) | Dec. 2, 2015 |
| 3406581 | PLAYMATE | Lingerie, sleepwear, loungewear, wraps (Cl. 25) | Apr. 1, 2008 |
| 3115166 | PLAYMATE | Entertainment services, namely providing adult programming via wireless services (Cl. 41) | Jul. 11, 2006 |
| 3951523 | PLAYMATE | Cigar lighters; lighters for smokers; lighters not of precious metal (Cl. 34) | Apr. 26, 2011 |
| 4019840 | PLAYMATE | Body jewelry; Bracelets; Brooches; Charms; Chokers; Earrings; Necklaces; Ornamental pins; Rings (Cl. 14) | Aug. 30, 2011 |
| 3388327 | PLAYMATE OF THE YEAR | Magazine sections in the field of adult entertainment (Cl. 16) | Feb. 26, 2008 |
| 3388248 | PLAYMATE OF THE MONTH | Magazine sections in the field of adult entertainment (Cl. 16) | Feb. 26, 2008 |
| 3225376 | PLAYMATE | Pre-recorded data storage media all featuring adult entertainment and images of female models, namely, DVDs (Cl. 9) | Apr. 3, 2007 |
| 3225375 | PLAYMATE OF THE YEAR | Pre-recorded data storage media all featuring adult entertainment and images of female models, namely, DVDs (Cl. 9) | Apr. 3, 2007 |
| 2663899 | PLAYMATE | Calendars (Cl. 16) | Dec. 17, 2002 |
| 2191054 | PLAYMATE | Computer services, namely, providing an on-line service featuring adult-themed discussions, images of female models (Cl. 42) | Sept. 22, 1998 |
| 1691469 | PLAYBOY'S PLAYMATE REVIEW | Magazines featuring women (Cl. 16) | Jun. 9, 1992 |
| 1393915 | PLAYMATE | Pre-recorded video cassettes (Cl. 9) | May 20, 1986 |

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|---------|---------------------------------|--|---------------|
| 1462762 | PLAYMATE OF THE YEAR | Magazine articles featuring women who represent the philosophy of the publication (Cl. 16) | Oct. 27, 1987 |
| 1308903 | PLAYMATE | Watches (Cl. 14) | Dec. 11, 1984 |
| 0777867 | PLAYMATE | Bracelets, Ankle Bracelets, Earrings, Bracelet and Earring Sets, Pins, Necklaces, Charms, Key Chains and Pendants (Cl. 14) | Sep. 29, 1964 |
| 0721987 | PLAYMATE | Calendars (Cl. 16) | Sep. 26, 1961 |
| 0661391 | PLAYBOY'S PLAYMATE OF THE MONTH | Feature in the magazine "playboy," published monthly (Cl. 16) | May 6, 1958 |

3. PEII, its predecessors-in-interest and its licensees have used the PLAYMATE Marks in interstate commerce for approximately sixty years.

4. Each and every monthly issue of PEII's PLAYBOY Magazine, since the 1950s, has featured reference to PEII's PLAYMATE Marks.

5. PEII, its predecessors-in-interest, and its licensees have heavily advertised, promoted, and marketed goods and services sold under the PLAYMATE Marks throughout the United States and the world.

6. The PLAYMATE Marks have become associated with PEII, and have become famous, through this extensive use.

7. Notably, PEII's registration no. 3,115,166 for PLAYMATE, registered July 11, 2006, covers services in Class 41.

8. Besides its United States registrations, PEII also presently owns 105 active registrations for the mark PLAYMATE in Class 41 in dozens of jurisdictions throughout the world.

9. Additionally, PEII owns several trademark registrations in the U.S. and throughout the world for social club services in Class 41 as well as for golf products and accessories in Class 28.

10. On information and belief, Applicant was aware that PEII has rights in the PLAYMATE Marks.

11. Applicant filed an intent-to-use application, Serial No. 86/345,458, on July 23, 2014 to register the mark TIME TO PLAYMATE! for “Country clubs” in International Class 41.

12. Applicant’s mark is confusingly similar to PEII’s PLAYMATE Marks, insofar as it contains the prominently displayed word PLAYMATE.

13. Applicant’s mark is likely to dilute the fame of PEII’s PLAYMATE Marks by creating a false association between Applicant’s brand and PEII’s brand in the minds of the consuming public.

14. Applicant’s Internet presence, including its websites at www.playmateenterprise.com and www.facebook.com/playmateenterprisellc, identifies Applicant as “The Music Mate,” a producer of electronic LED coasters which play music and create a light show. These websites contain no indication that Applicant is using or intends to use the applied-for mark in connection with country clubs in Class 41. Printouts from Applicant’s website and Facebook page are attached hereto as Exhibit 1.

COUNT I
LIKELIHOOD OF CONFUSION

15. PEII repeats the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. Applicant’s use and registration of the applied-for mark will create a likelihood of confusion in the minds of the consuming public, because consumers will mistakenly assume that Applicant’s goods and services originate from the same source as, or are associated with, PEII’s goods and services.

17. PEII's PLAYMATE Marks have priority over Applicant's application dating back to the 1950s, as shown by the chart above. Applicant filed the subject application July 23, 2014.

18. Applicant's mark is very similar to PEII's PLAYMATE Marks due to the presence of the identical word, PLAYMATE, featured prominently in both parties' marks.

19. The Class 41 "country club" services applied for by Applicant are similar to social and entertainment club services and golfing products and accessories offered by PEII under several of its famous marks, including, but not limited to, the PLAYMATE Marks.

20. PEII's PLAYMATE Marks are famous in the United States and internationally. As a result, most, if not all, of Applicant's potential consumers will be familiar with PEII's PLAYMATE Marks.

21. The word PLAYMATE is not diluted in any industry and is strongly associated with PEII and its brands.

22. PEII uses its PLAYMATE Marks in connection with a variety of goods and services. Therefore, it is reasonable for a consumer to mistakenly believe that Applicant's goods and services are being offered by, in association with, and/or with the permission of PEII.

23. PEII is likely to be harmed by the consumer confusion that is likely to occur if Applicant's mark is registered, because PEII is unable to monitor or control Applicant's products and services or their quality. Therefore, PEII's valuable reputation stands to be diminished or damaged by Applicant's appropriation of the PLAYMATE Mark if consumers are caused to mistakenly believe that any deviation in quality is the fault of PEII rather than Applicant.

COUNT II
DILUTION AND FALSE ASSOCIATION

24. PEII repeats the allegations of paragraphs 1 through 23 as if fully set forth herein.

25. Applicant's use of the applied-for mark will misrepresent the source of the goods and services Applicant intends to offer under its mark and will cause consumers to mistakenly believe that Applicant's goods and services originate from or are otherwise associated with PEII.

26. The PLAYMATE Marks are now, and have always been, associated with PEII, in the U.S. and throughout the world.

27. As a result of PEII's longstanding use of the PLAYMATE Marks and its and advertisement, promotion, and marketing of a variety of goods and services under the PLAYMATE Marks internationally for decades, the PLAYMATE Marks have become famous.

28. PEII had ownership rights in the PLAYMATE Marks at the time that Applicant's company was organized in 2014.

29. PEII owned the PLAYMATE Marks at the time that Applicant filed the application Serial No. 86/345,458.

30. On information and belief, Applicant was aware of PEII's ownership of the PLAYMATE Marks prior to its application to register its own mark.

31. Inasmuch as the design shown in Applicant's application prominently features the word PLAYMATE, Applicant's applied-for mark will likely be confused in the minds of consumers and create a false association with PEII and its famous PLAYMATE Marks.

32. Applicant has not sought, and PEII has not granted, any permission or authority to use any of the PLAYMATE Marks.

33. There is no relationship or association between Applicant and PEII.

34. Applicant's intended use of the applied-for mark would trade off PEII's goodwill in its PLAYMATE Marks.

35. If Applicant were permitted to register its mark for its goods and services, consumers are likely to mistakenly believe that there is some association or affiliation between Applicant and PEII.

36. Any defect, objection or fault found with Applicant's goods and services would reflect upon and seriously injure the reputation and value that PEII has established under the PLAYMATE Marks.

37. PEII is likely to be harmed by the false association with Applicant because PEII is unable to monitor or control Applicant's products or their quality. Therefore, PEII's valuable reputation stands to be diminished or damaged by Applicant's appropriation of the PLAYMATE Mark if consumers are caused to mistakenly believe that any deviation in quality is the fault of PEII rather than Applicant.

WHEREFORE, PEII respectfully requests that this Opposition be sustained, and that Application Serial No. 86/345,458 be restrained from registration.

The statutory filing fee of \$300.00 is being paid along with this submission through deposit account no. 162117.

Respectfully submitted,

Dated: July 1, 2015

/MB/
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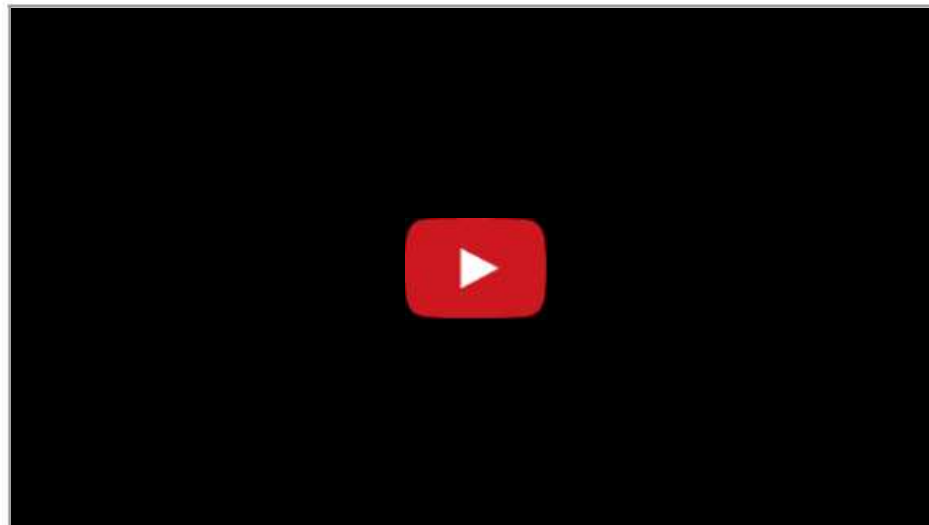
EXHIBIT 1



PLAYMATE ENTERPRISE™ | ABOUT THE MUSIC MATE® | THE MUSIC MATE® STORE | COMPANY NEWS | CONTACT US



We all love our favorite music. As good as that music is, it's still one dimensional, and is only being heard. Musical experiences are lacking visual dimension, that's why we made The Music Mate® LED Coaster. Playmate Enterprise™ is the proud manufacturer of The Music Mate® LED Coaster, a set of LED Coasters and LED Platforms utilizing our electronic design. The Music Mate® "Mini" LED Coaster is sized to also fit into most automotive cup holders and is designed to illuminate your cup with your favorite logo, name, or custom design. Whether you are on the go, at home, or with friends The Music Mate® LED Coaster is an enlightening mate to your entertainment.



Time to Play Mate!™



WOULD YOU LIKE TO BE A MUSIC MATE® RETAILER?

If you are a retailer interested in purchasing The Music Mate® LED Coaster entertainment system line of products for re-sale, click the link below.

GET WORKING TODAY!

GET YOUR BUSINESS SOME ATTENTION WITH A CUSTOM MUSIC MATE®

Looking to add entertainment while advertising your business? The Music Mate® LED Coaster can with your business name, logo, or custom design paired with a Music Mate® "Mini" LED Coaster can help get your company the attention it deserves talk with a design

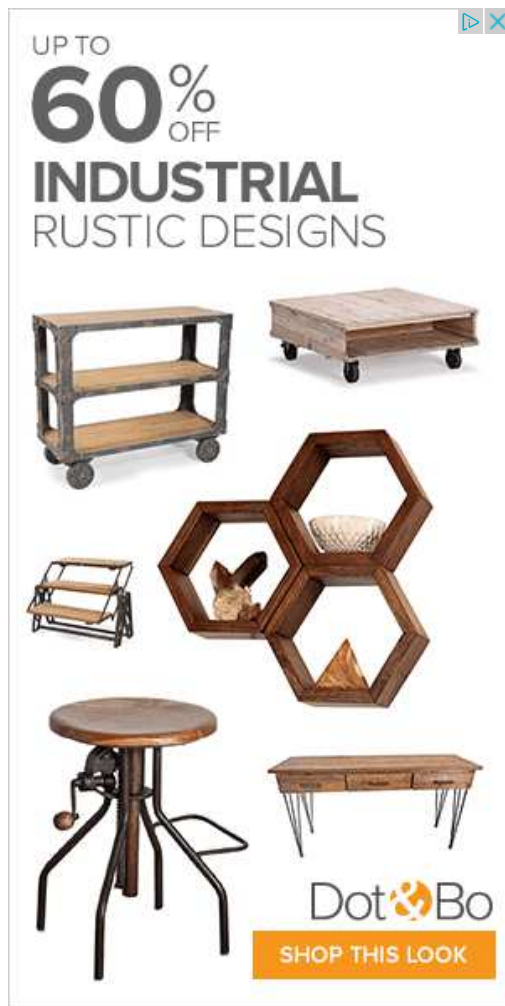
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Please contact us with any questions or to give us feedback by filling out a request from.



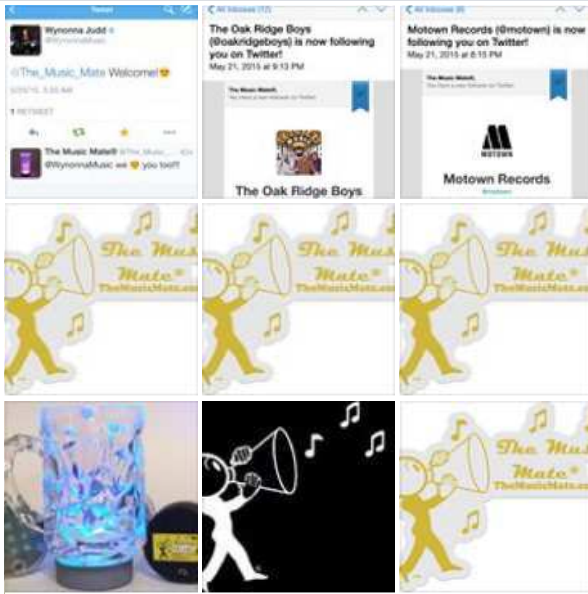
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The Music Mate

June 3 at 11:03pm · 🌐

the music mate



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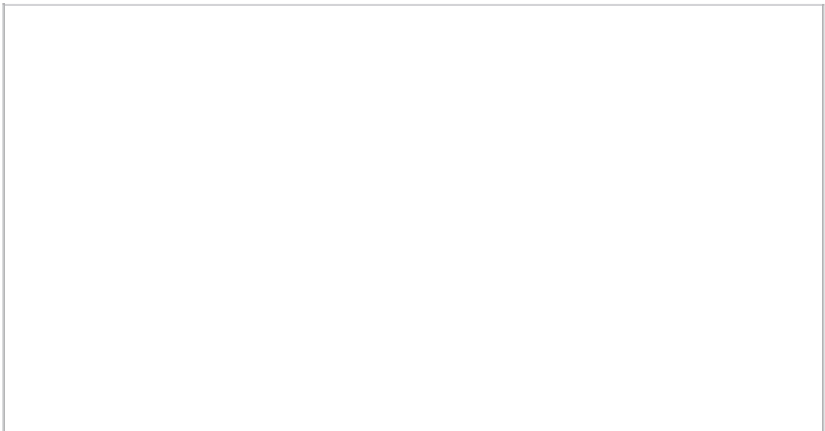


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The Music Mate


May 25 · 


Thank you Wynonna Judd The Music Mate® is the worlds most advanced engineered LED Coaster Entertainment System www.TheMusicMate.com




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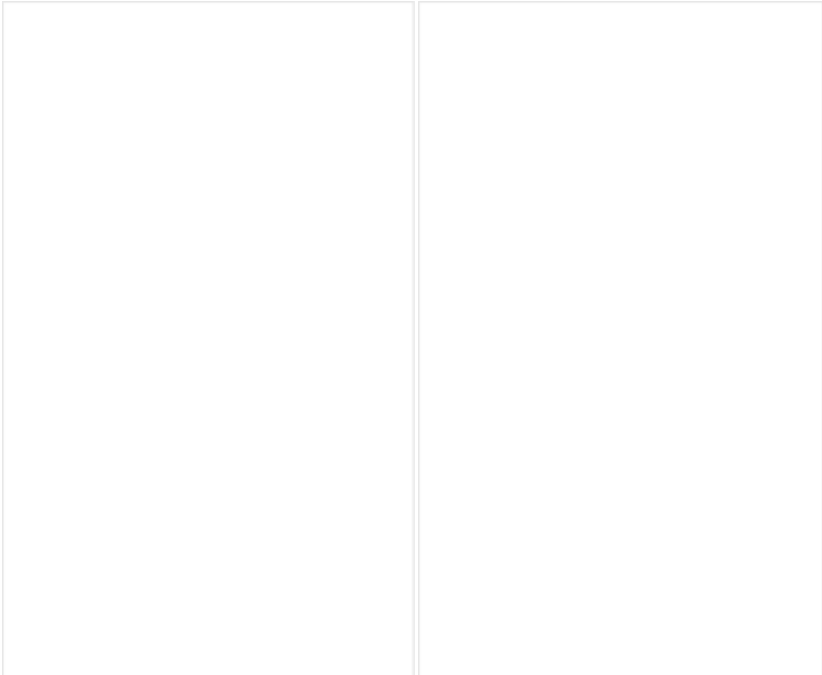


The Music Mate added 2 new photos.

May 22 · 🌐



Thank you to [The Oak Ridge Boys](#) And Motown Records for following The Music Mate® LED Coaster on Twitter!



AT&T LTE10:56 PM35%

All Inboxes (12)

The Oak Ridge Boys (@oakridgeboys) is now following

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All Inboxes (6)

Motown Records (@motown) is now following you on Twitter!

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14 people like this.

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The Music Mate
May 8 · Edited ·

We'd like to thank everyone that paid attention and participated in our Super Secret Sneak it for \$65 public event! Time to Playmate!™ please visit www.TheMusicMate.com and our listed retailers Amazon.com Spotify.com for updated retail pricing.

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